

Continuation Sheet
Applicant Initiated Interview Request Form
App. No. 10/669,110
Examiner: F.L. Evans
Art Unit: 2877

Brief Description of Arguments to be Presented (cont.):

Applicant submits that other features of at least claims 1, 5 and 9 are not disclosed by the references of record. For example, neither of U.S. Patent Nos. 5,137,364 or 6,534,794 disclose (i) axes of illumination and detection that form a non-zero angle, or (ii) control means ...for controlling the temperature changing element such that the temperature of the illuminator means is maintained substantially equal to a target temperature that is greater than an ambient operating temperature of the instrument. Support for each of these features may be found, for example, at page 12, lines 12-15 and page 7, line 9 through page 8, line 12 of the originally-filed application. Applicant thus submits that these features are not new matter. Accordingly, even if the "second substrate," "substrate" and "sensor substrate" features are cancelled as the Examiner requires, Applicant submits that at least claims 1, 5 and 9 remain patentable over the references of record in view of at least features (i) and (ii) noted above. For this reason, Applicant respectfully disagrees with the Examiner's statement at page 3 of the office action that the rejections set forth in the previous office action may be properly re-instated upon cancellation of alleged new matter.